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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,670	03/21/2001	Sharon Marie Lee	041-512-L	3627

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EXAMINER

SHAAWAT, MUSSA

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/813,670	Applicant(s) LEE ET AL.	
	Examiner Mussa A Shaawat	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2001.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-11 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filled on March 21, 2001. Claims 1-11 are presented for examination.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "Dx" on page 37 line 8. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 3 characters "NO PAN" and "KO PAN". Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes

are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-6, 8, 10, and 11 are rejected under 35 U.S.C. 112 second paragraph.

Claim 1 recites the limitation "the appropriate number of server" in limitation (a) of claim

1. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the required amount of disk capacity" in limitation (a4) of claim 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the disk capacity requirement" in limitations (a5) and (a6) of claim 3. There is insufficient antecedent basis for these limitations in the claim.

Claim 4 recites the limitation "the actual user weight" in limitation (a4b) of claim 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the adjusted total of users" in limitation (a4b2) of claim 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the required data transmission" in limitation (a4b1a) of claim 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the required amount of memory" in limitation (a5) of claim 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the transmission capacity (kilobits/sec)" in limitation (i) of claim 10 and "the network capacity report, and the entire network solution" in limitation (ii) of claim 10. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumenau et al. US Patent No. (6,665,714) referred to hereinafter as Blumenau.

6. As to claim 1, Blumenau teaches a method to configure Servers and associated support apparatus established at one or more sites, which will satisfy the requirement of a given customer's profile, comprising the steps of:

(a) Calculating a basic solution for establishing the appropriate number of servers and types of associated support apparatus, for each site and for each Server Farm, see Blumenau (col.6, lines 35-67, col.21, lines 45-60, and col.26, lines 1-20, and col.17, lines 36-45).

7. As to claim 2, Blumenau teaches a method of claim 1 wherein step (a) of calculating includes the steps of:

(a1) retrieving from said customer profile specific features and capabilities for each Server Farm at each site, see Blumenau (col.6, lines 40-67).

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(a2) retrieving from said customer profile each User-type involved in each server Farm, see Blumenau (col.23, lines 60-67, col.24 lines 1-23, col.33, lines 35-67).

(a3) retrieving from said customer profile each application program name used by each User-type in each Server Farm, see Blumenau (col.24 lines 1-23, col.33, lines 35-67).

(a4) retrieving from said customer profile the required amount of disk capacity for each User-type using each application program, see Blumenau (col.5, lines 5-10, col.7, lines 65-67, col.8, lines 1-10, and col.8, lines 60-67).

8. As to claim 3, Blumenau teaches a method of claim 2 wherein step (a4) further includes the steps of:

(a5) calculating the disk capacity requirement for a single Server Farm, see Blumenau (col.4, lines 50-55, col.10, lines 32-41).

(a6) inserting the disk capacity requirement information onto a Disk capacity Report, see Blumenau (col.30, lines 1-20).

9. As to claim 4, Blumenau teaches a method of claim 2 wherein step (a4) includes the steps of:

(a4a) filling out a Customer Data Report, see Blumenau (col.9, lines 5-35).

(a4b) calculating the actual User- Weight for each User-type operating with each application program, see Blumenau (col.9, lines 20-35, col.24, lines 20-35, col.30, lines 1-20, and col.30 lines 49-58).

10. As to claim 5, Blumenau teaches a method of claim 4 wherein step (a4b) includes the steps of:

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(a4b1) accessing a Server information database for Server data, see Blumenau (col. 33, lines 20-67).

(a4b2) calculating for each Server Farm the adjusted total of users for each application program, see Blumenau (col.25, lines 58-67, col.26, lines 1-21, and col. 33, lines 20-67).

11. As to claim 6, Blumenau teaches a method of claim 5 wherein step (a4b1) includes the steps of:

(a4b1a) calculating, for each server Farm, the required data transmission capability in kilobits per second, see Blumenau (col.7, lines 33-67, col.8, lines 41-58, and col.10, lines 1-20).

12. As to claim 7, Blumenau teaches a method of claim 6 wherein step (a4b1a) includes the step of:

(a4b1a1) calculating the number of Servers to service the customer's configuration, see Blumenau (col.6, lines 42-61).

13. As to claim 8, Blumenau teaches a method of claim 2 which includes the steps

(a5) calculating the required amount of memory capacity for each Server Farm, see Blumenau (col5, lines 5-10, col.6, lines 35-60).

(a6) developing a Base solutions Report having a base solution, which indicates the number of Server Farms, the number of Servers in a Farm, plus disk and memory requirements for each Server Farm, see Blumenau (col.30, lines 1-20, col.18, lines 9-25).

14. As to claim 9, Blumenau teaches a method of claim 8 wherein step (a6) includes the steps of:

(a6a) calculating a set of Default Availability Levels, which characterize said base solution, see Blumenau (col.6, lines 41-62, col.9, lines 5-15, and col.17, lines 45-60).

(a6b) filling-out an Availability Report indicating said Availability Level, see Blumenau (col.17, lines 60-67, and col.8, lines 1-25).

15. As to claim 10, Blumenau teaches a method of claim 7 wherein step (a4b1a) includes the steps of:

(i) Filling-in a Network Capacity Report which indicates the transmission capacity (kilobits/sec) for the enterprise Server Farm network, see Blumenau (col.18, lines 8-25, col.30, lines 1-20).

(ii) Displaying the Network Capacity Report of the entire network solution on a Window screen, see Blumenau (col.24, lines 38-55, col.25, lines 16-25).

16. As to claim 11, Blumenau teaches a system for deriving a proposal base solution of Servers and Server Farms at one or more sites with their supporting apparatus to support a proposed configuration adequate to handle the specific requirements of a specific customer's enterprise comprising:

(a) Means to format customer profile data in a configuration database template, see Blumenau (col.9, lines 15-35, col.17, lines 45-60, col.19, lines 60-67, and col.20, lines 1-20).

(b) Means to store benchmark information and characteristics of Servers in a Server information database, see Blumenau (col.1, lines 29-41, col.11, lines 38-64, col.14, lines 1-20, and col.16, lines 41-67).

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(c) Means to store (30) the number of Servers for utilization and their availability levels, see Blumenau (col.1, lines 13-26, col.2, lines 4-13).

(d) Means to store the attributes of User- types and applications; an optimization configuration program for developing an optimized configuration of Server Farms tailored to a customer's profile, see Blumenau (col.6, lines 40-67, col.23, lines 60-67, col.24 lines 1-23, col.33, lines 35-67).

(e) Means to calculate a base solution for establishing the appropriate number of Servers and associated support apparatus for each site and each Server Farm, see Blumenau (col.6, lines 35-67, col.21, lines 45-60, and col.26, lines 1-20, and col.17, lines 36-45).

(f) Means to store final solution information suitable for generating an optimized configuration report, see Blumenau (col.30 lines 1-20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bixler et al. US Patent No. (6,212,559) Automated configuration of internet-like computer networks.
- Austin et al. US Patent No. (5,500,934) Display and control system for configuring and monitoring a complex system.
- Kennelly et al. US Patent No. (6,754,702) Custom administrator views of management objects.

Communication

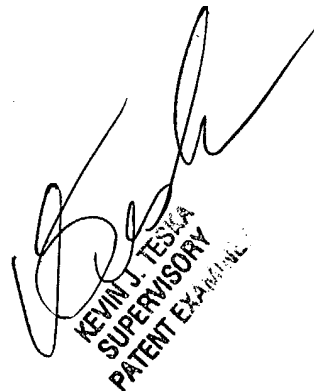
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A Shaawat whose telephone number is (703) 605-1372. The examiner can normally be reached on Monday-Friday (8:30am to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R Homere can be reached on (703) 308-6647. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mussa Shaawat
Patent Examiner
August 3, 2004



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